

**IN THE CLAIMS**

Claims 1-10. (Cancelled)

11. (Currently amended) A non-aqueous electrolyte battery comprising:  
a cathode containing an cathode active material;  
an anode including an anode substrate which comprises a polymer;  
a film layer disposed on said anode substrate containing a metal  
incapable of alloying with lithium; and  
a film layer containing one type of metal element selected from the group  
consisting of Mg, B, Ga, In, Si, Ge, Pb, Sb, Bi, Cd, Hf, Zr, Y and As or a  
compound of combination thereof, said metal element or compound  
being capable of alloying with lithium and serving as an anode active  
material, said film layer containing metal ~~incapable of~~ not alloyed  
alloying with lithium and said film layer containing said metal element or  
compound capable of alloying with lithium being overlaid on top of each  
other up to a total of three or more layers; and  
a non-aqueous electrolyte containing an electrolyte salt.

12. (Currently amended) A non-aqueous electrolyte battery comprising:  
a cathode containing an cathode active material;  
an anode including:  
an anode substrate which comprises a polymer;  
one type of metal element selected from the group consisting of Mg, B, Ga, In,  
Si, Ge, Pb, Sb, Bi, Cd, Hf, Zr, Y and As or a compound of combination thereof, said  
metal element or compound being capable of alloying with lithium and serving as an  
anode active material; and  
a non-aqueous electrolyte containing an electrolyte salt;  
wherein,  
said anode further includes a film layer containing a metal ~~incapable of~~  
not alloyed alloying with lithium, said ~~this~~ film layer disposed on a surface of a  
film layer containing said metal element or compound capable of alloying with  
lithium.

13. (Currently amended) A non-aqueous electrolyte battery comprising:  
a cathode containing an cathode active material;  
an anode including an anode substrate which comprises a polymer substrate, a current collector layer disposed on said anode substrate, a film layer containing a metal incapable of not alloyed alloying with lithium, and a film layer containing a metal capable of alloying with lithium, which serves as an anode active material; an  
a non-aqueous electrolyte containing an electrolyte salt.

14. (Currently amended) The non-aqueous electrolyte battery according to claim 13, wherein:

two layers of film containing a metal incapable of alloying with lithium are formed on a current collector layer, said current collector layer being formed on said anode substrate; and

a film layer constructing said anode active material is formed on said two layers of ~~this~~ film, said ~~this~~ film layer containing metal capable of alloying with lithium.

15. (Previously presented) The non-aqueous electrolyte battery according to claim 13, wherein:

said metal capable of alloying with lithium is alloy of one type of metal element selected from the group consisting of Mg, B, Al, Ga, In, Si, Ge, Sn, Pb, Sb, ~~13i~~, Cd, Ag, Zn, Hf, Zr, and Y or combination thereof.

16. (Currently amended) The non-aqueous electrolyte battery according to claim 12 or 13, wherein:

said anode further includes one or more layer of ~~this~~ film of carbonaceous material in addition to said ~~this~~ film layers.

17. (Previously presented) The non-aqueous electrolyte battery according to claim 12 or 13, wherein:

said anode further includes one or more of mixture layer containing a carbonaceous material and a binder.

18. (Canceled)

19. (Previously presented) The non-aqueous electrolyte battery according to claim 13, wherein:

said polymer is a high molecular weight polymer selected from the group consisting of an olefinic resin, a sulfur-containing resin, a nitrogen-containing resin and a fluorine-containing resin, or combination thereof.

20. (Previously presented) The non-aqueous electrolyte battery according to claim 13, wherein: said polymer has a true specific gravity within a range of 0.9 g/cc to 1.8 g/cc, both inclusive.

21. (Previously presented) The non-aqueous electrolyte battery according to claim 12 or 13, wherein:

said cathode active material is a lithium metal oxide represented by the general formula  $\text{Li}_x\text{MyOz}$ , where M is one or more of Co, Ni, Mn, Fe, Al, V or Ti, and  $x > 1$ ,  $y > 1$  and  $z > 2$ .

22. (Previously presented) The non-aqueous electrolyte battery according to claim 12 or 13, wherein:

said cathode and said anode are elongated and coiled along the longitudinal direction with a elongated separator in-between.